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Paper No. 7

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NOV 19 2004

OFFICE OF PETITIONS

In re Application of :
Foltz, et al. : DECISION ON PETITION
Application No. 09/882,703 :
Filed: June 14, 2001 :
For: MINIATURIZED ANTENNA :
ELEMENT AND ARRAY :

This is a decision on the petition under 37 CFR 1.137(b), filed October 12, 2004, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned October 14, 2001 for failure to timely submit a proper reply to the Notice to File Corrected Application Papers ("Notice") mailed August 13, 2001. The Notice set a two (2) month shortened statutory period of time for reply. No extensions of time in accordance with 37 CFR 1.136(a) were timely requested. Notice of Abandonment was mailed February 5, 2004.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(1); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition fails to satisfy item (2) set forth above. Payment of the petition fee is a prerequisite for treatments on

the merits under 37 CFR 1.137(b). The instant petition included \$660.00 however the current small entity fee due under 37 CFR 1.137(b)(2) is \$685.00. Any renewed petition must include the remaining fees due.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
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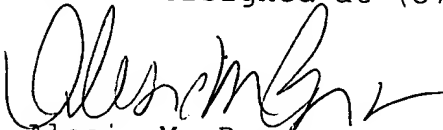
By facsimile:

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Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.



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